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ABSTRACT

Because the affirmative plan in debate cannot be modified once it has been criticized by the second negative, it is important that the affirmative team word the plan carefully in simple and concise language, assuring that it upholds all possible policies and contains only those planks that support the resolution. Other considerations in constructing such a plan include specifying the technology or law that will be used to implement the plan (or creating a board or agency to review the technology), deciding when the plan will go into effect, and determining how it will be adopted and what decisions will regulate its possible repeal. Effective planks that assist in the development of the plan include creation of agencies or boards to supervise implementation, elimination of loopholes, guidelines that ban preliminary injunctive relief or state level circumvention, and an intent plank that ensures that the agency will follow the affirmative plan. Although a plan preemption plank is open to attack by the negative team, it is a legitimate affirmative strategy when it represents part of a comprehensive program, places the affirmative team on an equal footing with the negative, aids in examining the core effects of a proposal, and reflects the real world happenings. (MAI)

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THE CONSTRUCTION OF THE AFFIRMATIVE PLAN

by

Walter Ulrich

Through the years, as the focus of debate has shifted from the examination of current policy to the analysis of the relative merits of a proposed program of change, the affirmative plan has become increasingly important. However, in this as in other areas, theory seemingly has lagged behind practice.

This essay considers the role of the affirmative plan and provides guidelines for its construction. In so doing, it considers the relationship between the plan the the resolution, the minimally sufficient provisions which a plan must contain, and the issue of the preemption of negative attacks.

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THE CONSTRUCTION OF THE AFFIRMATIVE PLAN

The focus of any debate over policy inevitably must be on the nature of the proposed action. Both the affirmative team and the negative team attempt to discover the types of effects that would come from the affirmative plan. Partly as a result of this concentration on the plan, there has been an increased emphasis in recent years on its construction. While, a decade ago, plans were relatively simple, often consisting of only a sentence or two, now it is not unusual to hear an affirmative team take a minute or two to explain the details of their plan. Plans often are constructed on an ad hoc basis, however, with planks borrowed from other teams' plans, often without any knowledge of why a plan should contain that provision. The result is that many plans are poorly constructed or, what may be worse, teams do not utilize the provisions in their plans to their maximum advantage.

This is not a situation unique to debate; several scholars note that even people that draft legislation in Congress construct legislation in such a way that the legislative purpose behind the bill may be hampered.[1] Unfortunately, a debater who desires to improve the construction of a plan often has no place to turn for advice. While many debate textbooks discuss the nature of case arguments, very few discuss the construction of the plan in any detail.[2] This essay will attempt to discuss some of the theoretical concepts behind the affirmative plan as well as the types of provisions a plan should contain.

Because of the lack of discussion concerning the theoretical nature of affirmative plans, there is probably much diversity of opinion among judges as to what is an acceptable practice. It is thus desirable to know both what types of provisions a plan should contain, as well as the reasons for incorporation. Such an understanding should begin with the relationship between the affirmative plan and the resolution.

In any debate, the affirmative team is obligated to uphold the resolution. This does not mean that the affirmative team must uphold all possible policies under the resolution, but only that they must isolate one policy contained in the resolution that is desirable. For example, this year's resolution encompasses a wide range of possible cases, from conservation programs to the construction of nuclear plants. It also, at least theoretically, includes clearly undesirable policies, e.g., exterminating half the country's population, invading the Middle East, and other extreme positions. It would be unreasonable to require that an affirmative team be able to defend all possible policies that are included in the resolution. Instead we require that they select a single policy, and we examine the advantages and disadvantages of that policy. The resolution itself is never debated per se; it just defines the limits of debate and places limits on the possible policies open to the affirmative and negative teams.[3]

The format of debate also places certain limitations on the affirmative team. Unlike legislative debate, there is no chance for the affirmative's plan to be modified during the round. This means that the

plan should be examined as a unit, both when it is presented by first affirmative and when it is examined for weaknesses in second negative. The plan cannot be modified because to allow this practice would undermine the effectiveness of the debate forum. Once the plan is given, the negative team's strategies are dependent on the plan. Their choice of disadvantages, for example, is based on the mechanics of the plan. If an affirmative team drops a plan plank because a disadvantage applies to it, the negative team is unfairly hindered because they have been precluded from running another disadvantage that may be a result of the plan's not having that plan plank. For example, if an affirmative team has a plan plank that institutes wage and price controls, the negative team may be precluded from arguing that the plan will cause inflation, but it could run attacks on wage and price controls. To let the affirmative team drop or modify that plank would alter the debate significantly, making negative responses to the action new arguments in rebuttal. Since this option is not open to the negative (i.e., the negative cannot drop one of the affirmative's plan planks), it is an unfair practice. The focus in any debate should be on the affirmative plan as presented in the first affirmative; to allow the plan to be altered later in the round is to minimize the importance of all the argument that has occurred to that point.

Given the importance of the plan, the affirmative team should pay a great deal of attention to the wording of the plan. This does not require that the plan be worded in as much detail as a congressional bill, but the plan should contain as much detail as possible to let the judge (and the other team) know what the plan will do. The plan should be simple, but precise.[4] Ideally, those details not included in the plan should be discussed before the round, so any questions asked in cross-examination can be answered. At the same time, every plan plank should have some purpose. You should not place a plank in your plan just because everyone else has a similar plank. If you do not know the purpose of a plank, it will do you no good. It may have a function, but if you are not familiar with plan theory, you will not be able to utilize the plank to respond to the arguments it is supposed to prevent. At the same time, any plan plank is open to attack; any plank has potential disadvantages and solvency problems. Unless there is some reason for the plank, the risk of some attack against the plank outweighs any advantage of that plank (and inclusion of the plank both takes time and can create confusion). What is necessary in a good plan is to identify those components that are critical to the working of the plan, and to phrase those components in a clear, concise manner.[5] In general, there are three components to any plan: resolutional planks, workability planks, and pre-emption planks. While not all plans need all three types of provisions, and while there is some overlap between them, all debaters should be aware of all three types of provisions.

Resolutional Plan Planks

Resolutional planks are required for all affirmative plans. Essentially, these are the plan planks that adopt the resolution and

(hopefully) gain the affirmative's advantage. This may be done by passing laws intended to solve the problem the affirmative isolates. The one guideline that any affirmative team should be aware of is that the plan should solve all the inherent problems that are isolated in both first and second affirmative constructive speeches. One of the purposes of inherency is to isolate the reasons why current programs cannot solve the energy problem; the affirmative team needs to be sure that its plan does not have the same problems. In outlining the specific alternative to be adopted, teams sometimes model their plans after current programs; this both adds to the believability of the affirmative, and permits the affirmative to exclude minute details from the plan (although if an affirmative team models its plan after another program, they should have available the details of the model program).

Teams can take two general approaches on this year's resolution with respect to the specificity of their policy. At one extreme, a team can specify the technology and/or law they will use to establish energy independence. This is probably the best choice, since it provides a definite focus for the debate, although it also gives the negative specific technologies to attack. The other approach is to create a board to review technology, and to choose from among alternatives. The distinction between these two approaches is significant. In the first case, we are comparing current energy sources to the specific energy sources used in the plan. In the second case, we are comparing the current process of determining energy sources with the affirmative plan's process. Where the affirmative team argues that its board will choose the best energy option, the issue should be, why is the affirmative team's board better suited to make energy choices than the current political structure? It would seem that a process plan would be an inferior method of making choices. First, while current policymakers have all energy options open to them (including those in the plan), the affirmative plan will have only those options listed in the plan. Second, the affirmative board presumably will be more insulated from public opinion than Congress is, isolating it from the desires of the public. Indeed, the agency may use this independence to further its power base,[6] perhaps to the point of exerting powerful forces on the economy through its decisions on who gets how much energy, where plants will be located, and so on. All these problems are either eliminated or minimized if the affirmative team is specific in its description of the program it advocates.

The affirmative team also needs to decide when its plan will go into effect. Unless some phase-in period is given in the plan, the plan is assumed to go into effect at the end of the round.[7] This could be undesirable if the plan requires a phase-in period. Few plans can go into effect immediately. The construction of new facilities and the mass production of new technologies may require years. If a plan has a short phase-in, we may find ourselves without any legal energy sources until the legal ones (in the plan) are built.

A long phase-in can also present problems. If a plan is phased in over a twenty or thirty year period, the advantages of the plan may never come about. While current energy sources may be inadequate, a policy comparison between energy sources now and the affirmative plan 20-30 years from now is not germane; the relevant comparison is between

energy sources 20-30 years from now and the affirmative plan. In such a long period of time, much can happen: we may find new pollution-control technology; mass transit may increase; the population could decrease; new technology may find better ways of solving the energy problem. It is difficult for a team to say that nothing better than its plan will come along in 20-30 years. This would suggest that a plan's phase-in be long enough to allow the transition to new energy sources, but short enough that the advantage claimed is likely to come about.

The affirmative also needs to decide how its plan will be adopted.[8] This includes both the level of government that will adopt the plan and the type of legislation that will be used. The affirmative team only has to demonstrate that its plan should be adopted, of course, not that it will. This enables the affirmative to argue that the Constitution should be changed, or that existing laws should be altered. While the negative can argue the desirability of these changes, for example, by claiming that the affirmative does away with a vital constitutional right, the ability of the affirmative to use these changes is clear.

One issue that has caused a great deal of controversy is the repealability of the affirmative plan. While the affirmative team has the right to ensure the initial adoption of their plan, several theorists argue that the affirmative team's fiat power stops with this initial adoption. This means that the plan could be repealed by Congress or overturned by the courts the next day. Some affirmatives have attempted to solve this by saying that their plan cannot be repealed, or that it cannot be repealed for a fixed time period. This plan plank is usually ineffective (Congress can always repeal the plank that says the plan cannot be repealed, and then repeal the rest of the plan) and can create the disadvantage suggested above by locking the U.S. into one energy policy, even if a better energy policy becomes known in the future.

For cross-examination purposes, any affirmative team needs to decide what position to take on the repealability of its plan. In the long run, it may be wise to say that a plan can be repealed, but that a repeal of the plan is unlikely, both because it would take time and because, once the plan is adopted, attitudes would change. In addition, once power plants have been built or money spent, Congress would be reluctant to nullify the expenditure.

Workability Plan Planks

While the resolutional plan planks adopt the resolution and gain the advantage, workability plan planks aid in the working of the plan. One type of workability plank creates an agency to supervise the implementation of the affirmative's provisions. The affirmative team may want to specify members of the board to ensure that they will carry out the affirmative's intent, and they may specify how members are appointed and replaced. Some teams even specify a retirement age to respond to the argument, popular a few years ago, that members of the board will grow senile and

make bad decisions. Additional details, like munificent salaries or restrictions on employment upon retirement, may be included in a plan to ensure that the members of the board will not be influenced by external political and special interest pressure. The board is often given adequate funding, staff, information, and facilities to enable it to carry out its duties. An affirmative team may also want to include a set of exceptions to its plan to make it easier to defend. Finally, the affirmative team needs to have some provision to enforce the plan, by providing penalties and by identifying the agency responsible, whether a current law enforcement agency or an independent special prosecutor, for example. Aids to enforcement such as spot checks may also be specified.

One series of workability provisions is designed to answer two types of negative arguments, circumvention and cooptation. Campbell explains the difference between these types:

> Circumvention arguments attempt to demonstrate how external forces react to the impositions of an implemented affirmative plan. Circumvention assumes that the policy action prescribed is being carried out by its administrators and that those affected seek means to escape the effects of that implementation. Cooptation arguments, on the other hand, attempt to demonstrate that a policy action will not be fully implemented, once adopted, or will not be implemented in the manner desired by its proponents because of the influence of external forces upon the administrators of the plan.[9]

While circumvention attacks can be answered by eliminating loopholes and expanding the focus of the plan, cooptation attacks must be solved by increasing the probability that external forces will be ignored by members of the affirmative's board. Part of this immunity can be provided by appointing members to the board who share the affirmative's philosophy. Placing professionals on the board may also decrease the influence of outside members.[11] The affirmative team can also point to outside pressures that would encourage an agency to follow its mandate:

> . . .policy decisions certainly cannot 'fly in the face' of professional advice when there is agreement among the experts as to the technically sound course of action. . . . An agency head would leave himself far too vulnerable to criticism if he made decisions that were altogether indefensible in terms of professional standards.[12]

The problem of cooptation is also decreased when the affirmative plan is very specific in what it requires. This can be strengthened by subjecting the board to review by the Supreme Court (or other courts), and by making members of the board subject to removal for mis-, mal- or non-feasance in office.

Three other provisions also aid in preventing the circumvention/cooptation of the plan. The first bans preliminary injunctive relief.

Many environmentalists have sought injunctions against several energy sources which have led to delays while the matter is heard in court.[13] To prevent this, some affirmative teams prevent injunctions in the areas covered by their plan. This still allows suits to be made against the plan, but also permits the construction of plants and the other mandates of the plan to continue while the case is being tried. With an injunction, the plan could be delayed for years while the courts heard the case.

Second, to prevent state level circumvention, some teams include a supremacy clause in their plan. A supremacy clause merely says that the plan supercedes all conflicting federal and state laws. Most authorities on legislative drafting argue that the worst legislation is silent on preemption.[14] At one extreme, a new law could be held to repeal desirable laws in the area covered by it. This would be true even if the old law went beyond the affirmative plan in a jurisdiction.[15] At the other extreme, failure to preempt laws at the local level could aid state circumvention of the plan. For example, many states now are attempting to place restrictions on the growth of nuclear energy that prevent new plants from being built.[16] Even a plan promoting nuclear development at the federal level would not stop this unless the plan specifies that it supercedes state laws, as is the case with the Atomic Energy Act.[17] The preemption clause prevents state action against the intent of the plan.

A third practice by many affirmative teams is to include an intent plank in the plan. This will usually be worded, "The affirmative speeches in this debate will serve as legislative intent for purposes of plan interpretation." The purpose of this plank is to ensure that the actions of the board follow what is intended by the affirmative team. There is some question as to whether courts will use the intent of a legislative body in applying the law.[18] Part of the current reluctance to follow legislative intent is that, with current laws, it is hard to tell what the legislative intent was given the number of differing views often expressed in any debate on a major bill.[19] This would not be a problem with most plans, since there would be a clear affirmative intent. One implication of this is that the members of the board could be taken to court if they do not follow the intent of the plan, even if they follow the letter of the plan.

This implication must be qualified. An intent plank cannot be used to create a new plan provision. It can only be used to clarify existent planks:

> A statement of legislative purpose cannot be read as decreeing whatever is necessary to achieve it beyond what can be sustained by the specific working provisions of the statute when read in the context of legislative purpose.[20]

Intent planks can clarify what is meant by the plan, but they cannot be used to make major changes in what the plan does. Where a negative team is unsure about the nature of a plan with an intent plank, it

often is wise to pin the affirmative down in cross-examination as to their intent. If the first affirmative is unsure about intent when asked, the plank becomes almost useless; there is no legislative intent as of that point, and the first affirmative rebuttal is too late to present the intent if the negative has asked for it earlier.

Preemption Plan Planks

One of the most controversial types of plan planks are those designed to preempt a negative attack. The purpose of these planks is to prevent the negative team from presenting a disadvantage against the plan. This is done by adding a plank that would prevent the disadvantage from occurring. For example, a team that is worried about an inflation disadvantage may include wage and price controls in the plan. A team arguing for increased use of nuclear power may include safety standards to prevent accident disadvantages, or it may increase export controls. These provisions may not be topical, but they help prevent adverse side-effects of the plan.

These planks are open to attack, even though they often are not topical. The negative can run disadvantages against these plan planks, and should be able to win the debate if these disadvantages outweigh the case advantage. The affirmative should not be able to drop these planks as argued above.

At the same time, the affirmative cannot claim any advantage derived from these planks. Any advantage from a non-resolutional plan plank is, by definition, extratopical. The advantage justifies adopting the non-resolutional plan plank, not the resolution. There is one minor qualification to this rule; an advantage to a non-topical plan plank may be used to outweigh (or neutralize) a disadvantage to that plank, although no net advantage should be credited to the affirmative.

The issue of plan preemptions is most widely discussed in the funding of affirmative plans. It is generally conceded that affirmative teams have the right to ensure adequate funding for their programs as part of the workability provisions detailed above. It is less clear whether affirmative teams have the right to specify how their plan will be funded. One of the most common methods of funding programs is through general federal revenue. This method simply agrees to fund the plan, and leaves the funding of the plan to the discretion of Congress, in the way most programs are funded. Negative teams have argued that this method is undesirable, since Congress, concerned with the level of Federal spending, will try to cut other programs in order to fund the new plan without increasing overall spending. There is a great deal of evidence that, if a new program were instituted, it would be funded by cuts in such vital programs as food aid, medical research, or food stamps. Such cuts could result in the deaths of thousands, or even millions, of people.

To prevent this disadvantage, affirmative teams have attempted to write plans that preclude the cutting of social programs. Some plans

specify that social programs cannot be cut. Other plans specify which programs will be cut to fund the plan. Other plans attempt to set up an independent budget authority that, at least theoretically, will not be influenced by the federal appropriations process since it has independent funding and bookkeeping.

A final approach is to specify how the money will be raised, which may blunt some of the motivation to cut social programs. One such source is deficit spending. This approach does help stabilize the economy, but it also increases the cost of the plan (by requiring interest payments), hampers the redistribution of income, and may hurt public investment.[22] An affirmative team could also attempt to raise money through tax changes, either by raising taxes, closing loopholes, or introducing new taxes, such as the value added tax.[23] All of these approaches take money out of the economy, which depresses investment. What is important for any of these alternatives is that both the affirmative team and the negative team should be prepared to discuss the funding of a plan, and both teams should be aware of the implications of the potential funding sources.

The legitimacy of plan preemptions has been questioned by many authorities. There are three objections to allowing a team to preempt disadvantages. First, many argue that the preemptions can easily be circumvented. A funding plank requiring the plan to be funded by cutting a specific program could be circumvented by refunding the program and perhaps calling it by a different name. The validity of this objection will vary from plan to plan; it must be decided on an individual basis since some plan preemptions, like the creation of a new tax, may be difficult to circumvent.

Second, some theorists argue that plan preempts, in effect, give the affirmative team an on-balance advantage by eliminating a disadvantage. An affirmative team clearly cannot claim an advantage from an extra-topical plan plank. To these theorists, there is no distinction between gaining an affirmative advantage and avoiding a negative disadvantage. This position is open to criticism Preventing a disadvantage through an extra-topical plan plank is not the same as claiming an advantage from an extra-topical plank. The reason that affirmative teams cannot claim an advantage from an extra-topical plank is that such an advantage merely justifies adopting the extra-topical plank to gain the advantage; it does not justify adopting the resolution. The same cannot be said of an extra-topical plank that prevents a disadvantage. We would not argue that we should adopt the plank because, were the resolution ever adopted, the disadvantage would not come about. Such reasoning would make sense only if there were some reason to adopt the resolution independent of the extra-topical plank. Even if the affirmative prevents a disadvantage, they must still justify the resolution by winning an advantage to the resolutional part of the plan.

The final attack on plan preempts is that the purpose of debate is to examine the resolution, and non-resolutional planks should be ignored as irrelevant. This may have some support in legislative regulations. In the House of Representatives (but not the Senate),

all amendments to a bill must be germane to the issue being debated. This view would limit a plan to those planks directly suggested by the resolution.

There are four reasons why plan preemptions are a legitimate affirmative strategy. First, especially for this year's high school topic, plan preempts can be viewed as part of a comprehensive program to significantly increase the energy independence of the United States. Even if each plank in isolation does not increase energy independence, each is part of a program that increases energy independence.

Second, plan preempts place the affirmative team on an equal footing with the negative team. The question facing the judge at the end of the round is whether the advantages of the plan outweigh the disadvantages of the plan. The first negative, though inherency arguments and minor repairs, can minimize the advantages of the plan. Similarly, the affirmative should be able to demonstrate that the disadvantages are not "inherent" to the plan (for both teams, the "inherency" positions need to be presented in constructives).

Third, plan preempts aid in examining the core effects of a proposal. One of the functions of debate is to determine what effects of a policy are essential to its nature, and what effects are extraneous to its essence. Rather than deciding policy on its accidental characteristics, we should base our policy on those effects that inevitably are linked to that policy. David Zarefsky argues that an advocate should "divide the universe of relevant options other than those embodied in the proposition (for convenience, this universe may be designated 'Negative-land') into characteristics which are essential to its non-propositional nature and those which merely are incidental features - a division, that is, into core and periphery."[25] Plan preempts help eliminate from consideration peripheral effects of the resolution and let us focus on the core effects of the plan.

Finally, plan preemptions reflect what probably will happen in the real world. If a plan produces a significant disadvantage, it is likely that Congress would act to prevent disaster. In some cases, there may be nothing that Congress can do, and the disadvantage will occur. In other cases, there are actions that can be taken to stop the disadvantage. Plan preempts are merely those policies that the affirmative thinks that Congress should take to minimize the adverse effects of the plan:

> . . .once having adopted the resolution on the basis that it alone does indeed meet needs or obtain advantages, prudent and reasonable men might modify or add to the affirmative proposals in order to avoid foreseeable undesirable consequences.[26]

Plan preempts thus aid us in deciding what the ultimate effect of the plan will be after Congress acts to eliminate the disadvantages. It should be evident from this discussion that plan preemptions are a legitimate affirmative strategy.

The importance of plan construction cannot be overstated. The plan is one example of what could happen if the resolution were adopted. Poorly constructed affirmative plans can leave the affirmative team open to a host of negative arguments. A good plan, on the other hand, can assist the affirmative in answering negative objections, especially if they are aware of the reasons for including the provisions of their plan.

NOTES

[1]See, for example, James Craig Peacock, Notes on Legislative Drafting (Washington, D.C.: REC Foundation, Inc., 1961), p. vi.; Reed Dickerson, Legislative Drafting (Westport, Connecticut: Greenwood Press, Publishers, 1977), p. 3; Frank Cummings, Capitol Hill Manual (Washington, D.C.: Bureau of National Affairs, Inc., 1976), p. ix; and Horace E. Read, John W. MacDonald, Jefferson B. Fordham, and William J. Pierce, Materials on Legislation, 3rd ed. (Mineola, New York: Foundation Press, Inc., 1973), p. 152.

[2]One exception to this generalization is Cole C. Campbell, Competitive Debate (Chapel Hill, North Carolina: Information Research Associates, 1974), pp. 141-179.

[3]This is one weakness of the hypothesis-testing model of debate, since debate does not test the nature of the resolution as a hypothesis; it rather emphasizes one policy that is included in the resolution and does not attempt to generalize the desirability of that policy to other policies included in the resolution. One specific policy is tested, not the resolution.

[4]Wayne E. Hoogestraat and Donald E. Sikkink, Modern Parliamentary Practices (Minneapolis, Minn.: Burgess Publishing Company, 1966), p. 28. See also Alice F. Sturgis, Learning Parliamentary Procedure (New York: McGraw-Hill Book Company, Inc., 1953), pp. 103-106.

[5]The plan should be in outline form, and should follow the general rules of outlining that can be found in any basic English textbook.

[6]Francis E. Rourke, Bureaucracy, Politics, and Public Policy (Boston: Little, Brown and Company, 1969), p. 82.

[7]Cummings, p. 23.

[8]Armand B. Coigne, Statute Making, 2nd ed. (Chicago: Commerce Clearing House, 1965), p. 241.

[9]Campbell, p. 148.

[10]J. Robert Cox, "Attitudinal Inherency: Implications for Policy Debate," Southern Speech Communication Journal, 40 (Winter, 1975), pp. 163-164.

[11]Rourke, p. 43.

[12]Ibid., p. 111.

[13]Linda J. Bozung, "Updating the Injunction to Protect Human Health and Safety," Suffolk University Law Review, 11 (Fall, 1976), p. 114.

[14]Cummings, P. 21.

[15]Ibid See also the United States Code Annotated under Article VI of the U.S. Constitution for the case law on this issue.

[16]Arthur W. Murphy and D. Bruce La Pierre, "Nuclear 'Moritorium' Legislation in the States and the Supremacy Clause: A Case of Express Preemption," Columbia Law Review, 75 (April, 1976), p. 392.

[17]Ibid., p. 455.

[18]For some examples of contradictory cases on legislative intent, see Ruggero J. Aldisert, The Judicial Process: Readings, Materials and Cases (St. Paul, Minn.: West Publishing Co. 1976), especially pp. 180-181.

[19]Reed Dickerson, "Statutory Interpretation: A Peek Into the Mind and Will of a Legislature," Indiana Law Journal, 50 (Winter, 1975), pp. 207-208.

[20]Ibid., p. 234. Mr. Dickerson is the Dean and Professor of Law at Indiana University.

[21]The Brookings Institute publishes an annual review of the budget and discusses the implications of various spending shifts. This book, entitled Setting National Priorities: The 19?? Budget, is written by various authors. Charles L. Schultze was the senior editor for several years; the senior editor this year (1978) is Joseph Pechman.

[22]See Robert H. Haveman, The Economics of the Public Sector, 2nd ed. (New York: John Wiley & Sons, Inc., 1976), p. 193.

[23]For a more detailed discussion of the implications of these policies, see Joseph A. Pechman, Federal Tax Policy, 3rd ed. (Washington, D.C.: The Brookings Institute, 1977); Richard E. Wagner, Roger A. Freeman, Charles E. McLure, Jr., Norman B. Ture, and Eric Schiff, Perspectives on Tax Reform: Death Taxes, Tax Loopholes, and the Value Added Tax (New York: Praeger Publishers, 1974); and Charles L. Schultze, Edward R. Fried, Alice M. Rivlin, and Nancy H. Teeters, Setting National Priorities: The 1973 Budget (Washington, D.C.: The Brookings Institute, 1972), pp. 423-448.

[24]Cummings, p. 69.

[25]David Zarefsky, "The Role of Causal Argument in Policy Controversies," Journal of the American Forensic Association, 13 (Spring, 1977), p. 184.

[26]James J. Unger, James M. Copeland, and William Southworth, Second Thoughts on the Question of Health Care (Skokie, Illinois: National Textbook Company, 1977), pp. 13-14.